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18 INC.

19 **UNITED STATES DISTRICT COURT**
20 **SOUTHERN DISTRICT OF CALIFORNIA**
21

22 NICHOLAS LEWIS, on Behalf of
23 Himself and All Others Similarly
24 Situated,

25 Plaintiffs,

26 vs.

27 SCOTTRADE, INC.,

28 Defendant.

CASE NO. 3:14-cv-02926-JLS-BLM

The Hon. Janis L. Sammartino

**DEFENDANT'S NOTICE OF
MOTION AND MOTION TO
DISMISS PURSUANT TO FED. R.
CIV. P. 12(B)(6); MEMORANDUM
OF POINTS AND AUTHORITIES
IN SUPPORT**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Thursday, March 19, 2015, at 1:30 p.m., or as soon thereafter as the matter may be heard before the Hon. Janis L. Sammartino in Courtroom 4A of the above-entitled Court located at 221 West Broadway, San Diego, CA 92101, defendant Scottrade, Inc. will move, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss the complaint for failure to state a claim upon which relief can be granted.

This motion is based on this notice and the memorandum of points and authorities attached hereto, the pleadings, records and papers filed in this action, and upon any such matters as may be presented to the Court at the hearing on this motion.

DATED: January 30, 2015

THOMPSON COBURN LLP

By: s/ Helen B. Kim

HELEN B. KIM

Attorneys for Defendant
SCOTTRADE, INC.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 2029 Century Park East, Suite 1900, Los Angeles, CA 90067.

On January 30, 2015, I served true copies of the following document(s) described as **DEFENDANT'S NOTICE OF MOTION AND MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6); MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT** on the interested parties in this action as follows:

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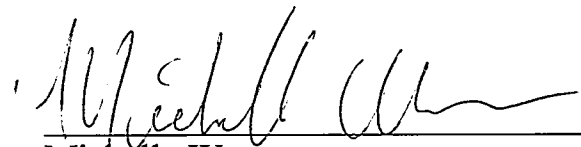
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BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 30, 2015, at Los Angeles, California.



Michelle Wessman